



Patent  
Attorney's Docket No. 032751-070

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Cécile CHARTIER et al. ) Group Art Unit: 1648  
Application No.: 09/938,491 ) Examiner: Myron G. Hill  
Filed: August 27, 2001 ) Confirmation No.: 3862  
For: METHOD FOR THE PREPARATION )  
OF A VIRAL VECTOR BY )  
INTERMOLECULAR HOMOLOGOUS )  
RECOMBINATION )

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer and a Statement Under 37 C.F.R. § 3.73(B) in connection with the application identified above.

A check for [ ] \$55.00 (2814) [X] \$110.00 (1814) to cover the requisite Government fee is also attached. The Director is authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 30, 2003

By:   
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#13

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENTDocket Number (Optional)  
032751-070

In re Application of: Cécile CHARTIER et al.

Application No.: 09/938,491

Filed: August 27, 2001

For: METHOD FOR THE PREPARATION OF A VIRAL VECTOR BY INTERMOLECULAR HOMOLOGOUS RECOMBINATION

The owner\*, Transgene S.A. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,110,735. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

- For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

- The undersigned is an attorney of record.

Void date: 07/01/2003 SZEWDIE1  
07/01/2003 SZEWDIE1 00000052 09938491  
01-FC:1851 May 5, 110.00-0P

Date

Signature

07/01/2003 SZEWDIE1 00000052 09938491

01-FC:1851 110.00-0P

Jean François CARMIER

Typed or printed name

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See M.P.E.P. § 324.

07/01/2003 SZEWDIE1 00000158 09938491

01 FC:1814

110.00 0P

Attorney's Docket No. 032751-070

**STATEMENT UNDER 37 C.F.R. § 3.73(b)**

Applicant/Patent Owner: Cécile CHARTIER et al.

Application No./Patent No.: 09/938,491

Filed/Issue Date: August 27, 2001

Entitled: METHOD FOR THE PREPARATION OF A VIRAL VECTOR BY INTERMOLECULAR HOMOLOGOUS RECOMBINATION

Transgene S.A.  
(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8171, Frame 0703, or for which a copy thereof is attached.

OR

- B.  A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

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The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
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Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date: May 5, 2003

  
Signature

Jean Francois CARMIER  
Typed or printed name

Chief Executive Officer  
Title